IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 13TH FEBRUARY 2007 / 24TH MAGHA 1928

WP(C).No. 4897 of 2007(G)

PETITIONERS

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1. MATHEW JOSEPH, MANAGING PARTNER,
   THOMSON MEDICALS, DOOR NO.XXV/216,
   KAVALAM BAZAR, CHANGANASSERY,
   KOTTAYAM.

2. MATHAI JOSEPH, MANAGING PARTNER,
   THOMSON MEDICALS, DOOR NO.XXV/216,
   KAVALAM BAZAR, CHANGANASSERY,
   KOTTAYAM.

BY ADV. SRI.M.P.MADHAVANKUTTY

RESPONDENTS:

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1. THE DRUG INSPECTOR, ZONE II,
   O/O. THE DRUG INSPECTOR, KOTTAYAM.

2. THE DRUG INSPECTOR (IB),
   O/O. THE ASSISTANT DRUGS CONTROLLER,
   KOLLAM.

3. THE ASSISTANT DRUGS CONTROLLER AND
   LICENSING AUTHORITY, SOUTH ZONE,
   KOLLAM.

BY G.P.SRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Thottathil B. Radhakrishnan, J.

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W.P.(C)No.4897 of 2007

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Dated this the 13th day of February, 2007.

JUDGMENT

Against the impugned order passed by the statutory authority under the Drugs and Cosmetics Act and the Rules framed thereunder, the petitioner has an efficacious alternate remedy before the State Government by way of an appeal. It is urged on behalf of the petitioner that the period fixed for the appeal is ninety days while the impugned order comes into effect on the date on which it has been served on the petitioner. I am not impressed with this because the appellate authority vested with the power to consider an appeal has also the incidental and ancillary power to consider any application for stay. The petitioner without attempting to move an appeal before the appellate authority has approached this Court for appropriate orders. If any interlocutory

application is filed by the petitioner along with the appeal to the Government, the Government will consider the same within a week of the receipt of the same.

Without prejudice to such rights, this writ petition is disposed of.

Thottathil B.Radhakrishnan,
Judge.

sl.